

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

EXPRESS MOBILE, INC.,

Plaintiff,

vs.

**EXPEDIA, INC., AND HOMEAWAY.COM,
INC.,**

Defendant.

Civil Action No. 1:21-cv-01141-RP

JURY TRIAL

**EXPRESS MOBILE, INC.’S NOTICE OF SUPPLEMENTAL FACTS REGARDING
APPEAL OF THE MAGISTRATE’S ORDER GRANTING DEFENDANTS’ MOTION
TO STAY PENDING CERTAIN USPTO ACTIONS WITH RESPECT TO THE
ASSERTED PATENTS**

Express Mobile submits this Notice of Supplemental Facts Regarding Express Mobile’s Appeal of the Magistrate’s Order Granting Defendants’ Motion to Stay Pending Certain USPTO Actions with Respect to the Asserted Patents which is currently pending before the Court. On May 26, 2022, the Patent Trials and Appeal Board terminated IPR Nos. IPR2022-00247, IPR2022-00248, and IPR2022-00249 prior to institution of any of the IPRs. These IPRs were filed by Booking Holdings, challenging certain claims from the ‘044, ‘287, and ’755 patents, respectively. As a result of this development, only the IPRs filed by Meta against these patents are proceeding, and the parties and the Court thus now have certainty as to which of the asserted claims in this case are no longer subject to any IPR challenges. For the Court’s convenience, the updated status of the asserted claims from these patents versus the claims subject to IPRs is below. To be clear, there are no additional IPRs for any of the asserted patents awaiting institution decisions.

Table of Asserted Claims (bold indicates independent claims):

Patent	Claims not subject to IPR	Claims subject to IPR
'044	3, 13, 15 , 17, 19, 20, 21, 24, 25, 26, 27	1 , 5, 6, 7, 11, 12
'287	3, 13, 15 , 17, 19, 20, 21, 24, 25, 26, 27	1 , 5, 6, 7, 11, 12
'755	3, 12 , 14, 16, 17, 18, 21, 22	1 , 5, 6, 7

Dated: June 2, 2022

Respectfully submitted,

/s/ Steven Rizzi

Steven Rizzi (*pro hac vice*)
 srizzi@mckoolsmith.com
 MCKOOL SMITH, P.C.
 One Manhattan West
 395 9th Avenue, 50th Floor
 New York, New York 10001
 Telephone: (212) 402-9400
 Telecopier: (212) 402-9444

Ramy Hanna (*pro hac vice*)
 rhanna@mckoolsmith.com
 MCKOOL SMITH, P.C.
 600 Travis Street, Suite 7000
 Houston, Texas 77002
 Telephone: (713) 485-7300
 Telecopier (713) 485-7344

Scott W. Hejny
 Texas State Bar No. 24038952
 shejny@mckoolsmith.com
 MCKOOL SMITH, P.C.
 300 Crescent Court, Suite 1500
 Dallas, Texas 75201
 Telephone: (214) 978-4000
 Telecopier: (214) 978-4044

**ATTORNEYS FOR PLAINTIFF
 EXPRESS MOBILE, INC**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been served on all counsel of record via the Court's ECF system on June 2, 2022.

/s/ Steven Rizzi

Steven Rizzi